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PATENT
ATTORNEY DOCKET: 47113-0538

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Göran BERGLUND et al.)	Confirmation No.: 5477
)	
U.S. Application No.: 10/519,711)	Group Art Unit: 1793
)	
Filed: December 12, 2005)	Examiner: Deborah Yee
)	
For: SURFACE MODIFIED STAINLESS STEEL)	

Mail Stop: PETITION
Commissioner for Patents
U.S. Patent and Trademark Office
Alexandria, VA 22314-1450

PETITION

TO WITHDRAW ABANDONMENT – NO ABANDONMENT-IN-FACT

Sir,

In response to the Notice of Abandonment dated June 18, 2008, received in the above-identified application, Applicants petition for withdrawal of abandonment because no abandonment-in-fact has occurred. Please consider the following information and statements regarding the above-identified application.

1. An Official Action issued in this application on November 20, 2007.
2. A reply to the Official Action was timely submitted to the USPTO on January 29, 2008, as evidenced by the attached PTO-stamp dated postcard receipt. Also attached for the convenience of the PTO is a complete copy of the January 29, 2008 submission, which includes an Amendment, submission of the priority document and a Request for Corrected Filing Receipt.
3. In view of the timely filed response, Applicants respectfully assert that there is no abandonment-in-fact in this application because the reply to the last Official Action did, in fact, timely occurred.

Upon granting of this petition, entry of the Amendment previously filed on January 29, 2008, is respectfully requested. Further, it is requested that the application be forwarded to the Examiner for consideration. A new copy of the priority document is also submitted herewith and acknowledgement of receipt is respectfully requested.

Applicants also filed on January 29, 2008 a request for corrected Filing Receipt. The noted corrections are respectfully requested as is a copy of the corrected filing receipt.

Finally, it is respectfully requested that any negative effect on patent term arising from the mistake of the PTO in holding abandonment when there was, in fact, none be removed.

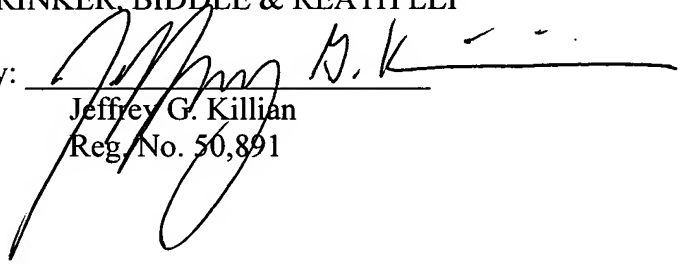
Because there is no abandonment-in-fact, it is believed that no petition fee or other fee is required. However, if any additional fees are required, or any overpayment is found, the Commissioner is hereby authorized to charge and/or credit the amount to Deposit Account No. 50-0573.

Further, **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Should the Petitions Officer or Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and granting of the petition and prosecution of the instant application expedited.

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

By: 
Jeffrey G. Killian
Reg. No. 50,891

Date: July 9, 2008

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The official date stamp of the United States Patent and Trademark Office hereon is acknowledgment of the receipt of:

I. Application

- ☐ A. New Application
 - ☐ Provisional
 - ☐ Utility
 - ☐ Design
 - ☐ Plant
- ☐ B. Continuation/Divisional/Continuation-In-Part
 - ☐ § 1.53(b)
 - ☐ § 1.53 (f) – fee not included
- ☐ C. Specification: _____ Sheet(s)
- ☐ D. _____ Claim(s)
- ☐ E. _____ Drawing(s)
 - ☐ Formal
 - ☐ Informal
- ☐ F. Small Entity
- ☐ G. Combined Declaration & Power of Attorney

II. Prosecution Documents

- ☒ A. Amendment Transmittal
- ☒ B. Amendment
- ☒ C. Submission of Priority Document
- ☐ D. Exhibit A
- ☐ E. Information Disclosure Statement
 - ☐ PTO Form 1449
- ☐ F. Issue Fee
 - ☐ Form PTOL-85
 - ☐ Request for _____ Soft Copies

III. Post Issuance

- ☐ A. _____ Maintenance Fee
- ☐ B. Request for Correction of Letters Patent

IV. Recordation

- ☐ A. Assignment Agreement (Number of Patents Covered: _____)
- ☐ B. Security Interest Agreement (Number of Patents Covered: _____)
- ☐ C. Change of Name, Merger or Other Transfer Document (Number of Patents Covered: _____)
- ☐ D. PTO Recordation Form Cover Sheet

VI. Payment

- ☐ Check No. _____ for _____
- ☐ Deposit Account No. _____ for \$ _____

VII. Other

- ☐ A. Terminal Disclaimer
- ☐ B. Statement under 37 CFR § 3.73(b)
- ☐ C. Change of Correspondence Address
- ☐ D. Submission of Revocation of Original Power of Attorney and Grant of New Power of Attorney
- ☒ E. Request for Corrected Filing Receipt
- ☒ F. Copy of Filing Receipt mailed on January 25, 2006

Date:

January 29, 2008

Client No.:

47113

Attorney Docket No./File No.:

47113-0538

Matter No.:

221496

Title:

SURFACE MODIFIED STAINLESS STEEL

Inventor(s):

Göran BERGLUND et al.

Application/Patent. No.

10/519,711

Attorney:

Jeffrey G. Killian

Confirmation No.

5477

Secretary:

Tiffany L. Pender

1/29/08
KJ



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For: SURFACE MODIFIED STAINLESS STEEL)	

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Alexandria, VA 22314

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment in response to the Office Action dated November 20, 2007.

2. Additional papers enclosed:

- ☒ Submission of Priority Document (Swedish Application No. 0202107-9)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449
- ☐ Citations
- ☒ Request for Corrected Filing Receipt
- ☒ Copy of Filing Receipt mailed on January 25, 2006

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 460.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,050.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,640.00	\$ 795.00

Extension of time fee due with this request: \$ _____

If an additional extension of time is required, please consider this a Petition therefor.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	13	minus	20	0	x \$50 each =	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	2	minus	3	0	x \$210 each =	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$370.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ Enclosed is a check in the amount of \$_____ for the ____-month extension of time fee.
- ☐ The Commissioner is hereby authorized to charge _____ to Deposit Account No. 50-0573 for the _____ fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Dated: January 29, 2008

By:


Jeffrey G. Kilham
Registration No. 50,891

Customer No. 055694
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